IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4455 OF 2006

In

SUIT NO.4097 OF 1990

Anil alias Ganesh Janardan Gavde : Plaintiff

V/s.

Rajendra Janardan Gavde & Ors. : Defendants

And

Court Receiver, High Court, Bombay. : Respondent

And

Smt.Jewanti Maru & Anr. : Applicants

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Mr.S.A.Bhagwad i/b. Mrs.Anjali S. Risbud for applicant no.1 in support.

Mr.Y.V.Divekar i/b. M/s.Divekar & Co., for the plaintiff to show cause.

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CORAM : A.M. KHANWILKAR, J.

DATE : MARCH 23, 2007.

P.C.

The counsel for the plaintiff states that this Motion is not maintainable. According to the plaintiff, the relief claimed in this Motion cannot be granted in the present suit. The counsel for the applicant states that

this Motion has been filed only by the applicant no.1. He submits that the applicant no.1 be permitted to withdraw this Motion with liberty to take recourse to other appropriate remedy as may be permissible in law.

Accordingly, the Motion is dismissed as withdrawn with liberty to pursue such other remedy as may be permissible in law.

A.M. KHANWILKAR, J.